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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/322,852	05/28/1999	RICHARD HASHA	305818009.10	8541

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EXAMINER	
CAO, DIEM K	

ART UNIT	PAPER NUMBER
2126	

DATE MAILED: 01/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application N .	Applicant(s)	
	09/322,852	HASHA ET AL.	
	Examiner	Art Unit	
	Diem Cao	2127	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 September 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disp sition of Claims

4)☒ Claim(s) *1-42* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-2, 4-5, 7-13, 20-23, and 37-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lortz et al. (U.S. 6,438,618 B1) in view of Lawson et al. (U.S. 6, 185,613 B1) as stated in the non-final action mailed 7/14/04,

3. Claims 3, 6, 27, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lortz et al. (U.S. 6,438,618 B 1) in view of Lawson et a1. (U.S. 6,185,613 B 1) further in view of Brown (U.S. 5,857,1 90) as stated in the non-final action mailed 7/14/04.

4. Claims 14-15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lortz et al. (U.S. 6,438,618 B1) in view of Lawson et al. (U.S. 6, 185,613 B 1) further in view of Fernando (U.S. 6,363,435 B1) as stated in the non-final action mailed 7/14/04.

5. Claims 16-18, 24-26 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lortz et al. (U.S. 6,438,618 B1) in view of Lawson et al. (U.S. 6, 185,613 B1) further in view of Pohlmann et al. (U.S. 6,446, 136 B1) as stated in the non-final action mailed 7/14/04.

6. Claims 28-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lortz.et al. (U.S. 6,438,6 I 8 B 1) in view of Lawson et al. (U.S. 6, I 85,613 B 1) and Brown (U.S. 5,857, I 90) further in view of Pohlmann et al. (U.S. 6,446, 136 B1) as stated in the non-final action mailed 7/14/04.

Response to Arguments

7. Applicant's arguments filed 9/24/04 have been fully considered but they are not persuasive.

Applicant argues that the references are improperly combined because the references teach away from their combination. Specifically, Lawson teaches a system for global event notification in a distributed computer environment while Lortz teaches using a centralized server operating as an independent process between the control objects and the clients allows connections of the control objects and the clients to be made independent of each other. Thus, according to Lortz this capability is dependent upon the system of Lortz operating in a non-distributed environment. Applicant also states that the system of Lortz is an event notification system in a component object model system to provide support for event filtering and that this solves a different

problem than that of Lawson of how to communicate events that happen on a remote server to a subscribing local server. The examiner disagrees. First, the examiner is unable to understand how an independent process between a client and control objects makes the system dependent upon operating in a non-distributed environment. Secondly, Lortz further states that device may comprise a home appliance, a computer hardware component, or any physical or **software object capable of receiving commands and signaling property changes (col. 3, lines 26-30)**. Therefore, the device is a software component. As shown throughout the figures the devices and applications function over a home network, i.e. they are distributed from one another. Therefore, both systems deal with event handling in a distributed environment. Thirdly, Lawson teaches that the invention is used with virtually any underlying event notification system. The present invention of Lawson presumes an underlying event notification system which: (1) allows local event consumers to register for notification of an event, and (2) sends notification of events that occur to registered local event consumers. If an underlying event notification system does not provide the ability to register locally for an event, does not send event notifications to locally registered event consumers, or does not allow registration of custom event types, then this functionality is provided as part of the present invention of Lawson (col. 4, lines 35-53). Therefore, the invention of Lawson improves upon any underlying event notification system to improve its functionality and when combined with Lortz would improve the functionality of performing event notification in a component object system.

Applicant then argues that the combination does not teach the tracking system for tracking when a software component changes state and providing a state change notification of a change in state of the tracked software component because "track" is an active verb imploying awareness and action which does not include just passive forwarding as defined in the combination and that forwarding a notification of a change in state of a device is not providing a state change notification of a tracked software component. The examiner disagrees. First, the examiner would like to state that there are various ways to perform tracking. One method would be to have a supervising entity continuously ping or query the entities it wants to monitor. Another would consist of a central entity continuously receiving messages from entities that has been requested or set up to be monitored. Referring back to Applicant's own defined definition as provided in the response, tracking of events is an operation that requires awareness of events and action to handling the events. The examiner maintains that receiving events from devices, i.e. change events, and delegating these events to interested clients performs this awareness and action. The delegating entity is aware of the events based on receiving them and performs action by sending the events to the correct registered client (see col. 6, lines 48-61). In addition, since the event is sent from the delegating entity to the client to make the client aware of the event, the event is a notification message.

Applicant then argues that the combination does not teach providing a property notification to the software component when the property of another software component is set because Lortz teaches monitoring properties of a home device, not

software components. The examiner disagrees. First, Lortz states that device may comprise a home appliance, a computer hardware component, or any physical or **software object capable of receiving commands and signaling property changes (col. 3, lines 26-30)**. Therefore, the device is a software component. In addition, client applications are software and also considered to be software components. Secondly, Lortz teaches that client applications send property change messages to devices (col. 4, lines 8-17) and that by including an independent process between the applications and devices, connections can be made independent of the devices and applications. Therefore, Lortz allows for one client to receive an event from a device, while another client application is sending a property change to the same device. Hence, Lortz teaches a property notification system for providing a property notification to the tracked software component when a property of another software component is set, i.e. another client application (software component) setting the property to a new value and sending a message to the same device that previously generated an event notification, to set its property.

Applicant states the same arguments can be made in regards to claims 2-42 as disclosed above. Therefore, in response, the examiner states that the same reasoning as provided above, meets the arguments to those cited claims and therefore maintains the rejection as disclosed in the prior office action.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diem Cao whose telephone number is (571) 272-3760. The examiner can normally be reached on Monday-Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

L.B.
January 13, 2005

MENG-AL T. AN
SORY PATENT EXAMINER
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